

PROVIDING FOR CONSIDERATION OF H.R. 4550, THE DRUG
DEMAND REDUCTION ACT OF 1998

SEPTEMBER 15, 1998.—Referred to the House Calendar and ordered to be printed

Mr. MCINNIS, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 538]

The Committee on Rules, having had under consideration House Resolution 538, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for consideration of H.R. 4550, the “Drug Demand Reduction Act of 1998” under a modified open rule. The rule provides one hour of general debate equally divided between Representative Hastert or a designee and a Member opposed to the bill.

The rule provides a three hour time limit on the amendment process. The rule further provides, prior to the consideration of any other amendment, for the consideration of the amendment printed in this report, if offered by the Member designated, which shall not be subject to a demand for a division or to amendment and shall be debatable for the time specified in this report equally divided and controlled by a proponent and an opponent. Finally, the rule provides that, should that amendment be adopted, the bill, as amended, be considered as original text for the purpose of further amendment.

The rule provides that the chairman of the Committee of the Whole may accord priority in recognition to Members who pre-print their amendments in the Congressional Record. The rule also allows the Chairman of the Committee to the Whole to postpone recorded votes on amendments and reduce to five minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first in a series of questions is not less than 15

minutes. Finally, the rule provides one motion to recommit with or without instructions.

SUMMARY OF AMENDMENT MADE IN ORDER UNDER THE RULE

Representative Hastert or a designee—10 mins.: Makes a series of changes to the underlying bill. 1. Inserts a word inadvertently left out in drafting. Provides that program. 2. Clarifies and resolves the ambiguity in the model program for drug free teenage drivers established by the bill (Sec. 122) making it clear that the bill does not place a mandate on the States. Clarifies language in the incentive grant provision (Sec. 123) to adequately cover States that do not require auto insurance by providing for parental notification, rather than notice to the insurer. Finally, the amendment provides an explicit authorization of appropriations. (Requested by the Transportation Committee). 3. Replaces the provisions in the bill providing for market incentives to pharmaceutical manufacturers with a provision directing that the Secretary of HHS conduct a study to determine the need for establishing particularized incentives for anti-addiction medication. (Requested by the Commerce Committee). 4. Corrects the omission in the original bill of a number to serve as a quorum for the Commission on the Role of Medical Education in Reducing Substance Abuse and sets the number at 6.

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTERT OF ILLINOIS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 10, line 9, insert “treatment,” after “referral,”.

Page 11, strike line 6 and all that follows through page 14, line 2, and insert the following:

Subtitle C—Drug-Free Teen Drivers

SEC. 121. SHORT TITLE.

This subtitle may be cited as the “Drug Free Teenage Drivers Act”.

SEC. 122. MODEL PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a model program to provide for the voluntary drug testing of all teenage applicants for a driver’s license and, if a State adopting the model program elects, other first time applicants for a driver’s license regardless of age.

(b) MINIMUM ELEMENTS.—The model program established under this section shall provide, at a minimum—

(1) that information respecting an applicant’s choice not to take a drug test under the program or the result of a drug test on the applicant will be made available to the applicant’s automobile insurance company, if any, or the parent of a teenage applicant, or both, as determined by a State that adopts the program; and

(2) if an applicant tests positive in the drug test, the State will not issue a license to the applicant and will require the ap-

plicant to complete a drug treatment program approved by the State and not test positive in a drug test before reapplying for a license.

(c) **ADOPTION BY STATES.**—The States may adopt and implement the model program established under this section. If a State adopts the model program, the State shall in carrying out subsection (b)(2) provide the treatment described in such subsection to low-income individuals who apply for drivers' licenses.

SEC. 123. INCENTIVE GRANT PROGRAM.

(a) **IN GENERAL.**—The Secretary of Transportation shall establish an incentive grant program to assist States in improving their laws relating to controlled substances and driving.

(b) **GRANT REQUIREMENTS.**—To qualify for a grant under subsection (a), a State shall meet each of the following requirements:

(1) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the driver has any measurable amount of an illegal controlled substance in the driver's body. Individuals who are convicted of a violation of such law shall be referred to appropriate services, including intervention, counseling, and treatment.

(2) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the ability of the driver to operate the vehicle is impaired by an illegal controlled substance. The State shall provide that in the enforcement of such law the driver shall be tested for the presence of an illegal controlled substance when there is evidence of impaired driving. Individuals who are convicted of a violation of such law shall have their driver's license suspended and shall be referred to appropriate services, including intervention, counseling, and treatment.

(3) Enact, actively enforce, and publicize a law that requires the suspension of the driver's license of an individual who is convicted of any criminal offense relating to drugs.

(4) Enact a law that provides that individuals applying for, and individuals renewing, a driver's license will be provided information about the laws referred to in paragraphs (1), (2), and (3) and will be required to answer drug-related questions on their applications.

(c) **USE.**—A State may use a grant under subsection (a) only to implement, enforce, and publicize laws described in subsection (b).

(d) **GRANT AMOUNTS.**—The amount of a grant made to a State under this section in a fiscal year shall be determined by multiplying the total amount of funds made available to carry out this section for such fiscal year by the ratio of the amount of funds made available to the State under section 402 of title 23, United States Code, for such fiscal year to the aggregate amount of funds made available to carry out such section 402 for such fiscal year to all States to which grants will be made under this section in such fiscal year.

(e) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **CONTROLLED SUBSTANCES.**—The term "controlled substances" has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) **ILLEGAL CONTROLLED SUBSTANCE.**—The term “illegal controlled substance” means a controlled substance for which an individual does not have a legal written prescription.

SEC. 124. TECHNICAL ASSISTANCE.

The Secretary of Transportation shall provide to the States technical assistance for—

- (1) training law enforcement officers in the standardized field sobriety testing techniques to detect impaired drivers;
- (2) expanding drug information and training by involving prosecutors in community drugged driving prevention programs; and
- (3) promoting uniform sanctions for drugged driving offenses, referring drugged driving offenders to assessment and treatment programs, and involving judges in community drugged driving prevention programs.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this subtitle for fiscal years 1999 and 2000.

Page 30, strike line 19 and all that follows through page 36, line 15, and insert the following:

SEC. 203. REPORT REGARDING INCENTIVES FOR DEVELOPMENT OF ANTIADDICTION DRUGS.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”), in collaboration with the officials specified in subsection (b), shall conduct a study for the purpose of determining whether there is a need to establish particularized incentives for the development of drugs to treat dependence on alcohol or on any controlled substance as defined in section 102 of the Controlled Substances Act (referred to in this section as “qualifying antiaddiction drugs”).

(b) **COLLABORATION AMONG AGENCIES.**—For purposes of subsection (a), the officials specified in this subsection are as follows:

- (1) The Commissioner of Food and Drugs.
- (2) The Director of the National Institute on Alcohol Abuse and Alcoholism.
- (3) The Director of the National Institute on Drug Abuse.
- (4) The Director of the National Institute of Mental Health.
- (5) The Administrator of the Substance Abuse and Mental Health Services Administration.

(c) **CERTAIN ELEMENTS OF STUDY.**—If in conducting the study under subsection (a) the Secretary determines that there is a need to establish particularized incentives for the development of qualifying antiaddiction drugs, the Secretary shall determine whether the incentives should include one or both of the following:

- (1) Providing for increased cooperation among the agencies referred to in subsection (b) in order to facilitate the development and approval of such drugs.
- (2) Establishing under the Federal Food, Drug, and Cosmetic Act particularized financial incentives for the development of such drugs.

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Commerce of the

House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made in the study.

Page 40, line 24, strike “the presence” and all that follows through line 25 and insert “the presence of six of the members appointed under subsection (c)(2).”.

